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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,613	01/12/2004	Kazuhiro Kato	0425-1104P	8538

2292 7590 12/15/2005

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EXAMINER

TO, TOAN C

ART UNIT PAPER NUMBER

3616

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/754,613	Applicant(s) KATO ET AL	
	Examiner Toan C. To	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/12/04; 5/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Koga (U.S. 2002/0135172).

Koga disclose a gas generator which is an ignition means comprising an igniter assembly (24) containing an igniter main body (24a) having an ignition portion to be ignited by an ignition electric current (from terminal 24d) and an igniter collar (24b) in a generally cylindrical shape which wraps and holds the outside of the igniter main body (24a), and a cup body (26) loaded with a gas generating agent (28) inside and having an opening portion (where the cup 26 is attached with the holder 24b), wherein the igniter assembly (24) and the cup body (26) are connected such that at least the ignition portion of the igniter main body (24a) is wrapped in the cup body (26) and the ignition portion of the igniter main body 24a) and the gas generating agent (28) are in contact, and at least part of the exterior surface of the igniter collar (24b) and at least part of the exterior surface of the cup body (26) are connected and fastened from the outside by means of a tubular crimp case (18).

As to claims 2-3 and 7-8, Koga disclose a gas generator, wherein the lower end side (18b) of the opening circumferential edge portions of the crimp case installed from

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the outside of the ignition collar and the cup body are bent inwardly, and, in the inside, the igniter collar (24b) and the cup body (26) are connected and fastened, wherein the igniter collar (24b) and the crimp case (18) are connected and fastened by pressing a flat surface portion of the igniter collar (24b) with the lower end side of a bent portion (18b) of the crimp case (18); wherein the cup body has a fragile portion in at least one of a closed end surface and a circumferential wall surface (column 2, lines 20-25); wherein the ignition main body and the cup body all accommodated in a housing (14) having a gas discharge port (14c) for inflating an airbag.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koga in view of Yabuta et al (U.S. 6,718,884).

Koga discloses every element of the invention as discussed above except the igniter main body and the igniter collar in a generally cylindrical shape are integrated by resin; and a means for preventing rotation of resin in the collar is arranged (see column 3, lines (20-45).

Yabuta et al teaches the invention wherein the igniter main body (32) and the igniter collar (40) in a generally cylindrical shape are integrated by resin (36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gas generator of Koga by using teaching of Yabuta et al in order to prevent the collar and the igniter assembly from being loose such that improving performance of the gas generator.

Allowable Subject Matter

5. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 9-11 are allowed.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTTo
December 8, 2005

 12/12/05
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600